

**Notice of Allowability**

Application No.

09/975,886

Examiner

Joseph S. Del Sole

Applicant(s)

STEINBICHLER ET AL.

Art Unit

1722

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response of 12/24/03.
2. ☒ The allowed claim(s) is/are 3-14.
3. ☒ The drawings filed on 12 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 3/16/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 15-28 directed to an invention that is independent or distinct from the invention originally claimed for the reasons set forth below.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 3-21, drawn to apparatus, classified in class 425, subclass 130.
  - II. Claims 22-28, drawn to a method, classified in class 264, subclass 572.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another and materially different apparatus such as one with motor driven pump having a variable stroke volume.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1, Claims 3-14;

Species 2, Claims 15-21.

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-28 are withdrawn from consideration

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as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Examiner's Amendment***

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michalos on 3/16/04.

The application has been amended as follows:

cancel claims 15-28.

The following is a complete listing of the claims:

Claim 3 (previously presented): An apparatus for injection molding plastic material, comprising a mold into which molten plastic material is introduced, a device for introducing a liquid into the interior of the molten plastic material, the device comprising a constant delivery pump driven by a motor, the speed of rotation of the motor being variable.

Claim 4 (previously amended): The apparatus of claim 3, wherein the speed of rotation is selectively variable to produce a given delivery amount.

Claim 5 (previously presented): The apparatus of claim 4, wherein the motor driving the pump is one of a servomotor and a three-phase asynchronous motor.

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Claim 6 (previously presented): The apparatus of claim 5, further comprising three-way valves between the pump and the mold for controlling the flow of the liquid.

Claim 7 (previously presented): The apparatus of claim 6, wherein the liquid is water.

Claim 8 (previously presented): The apparatus of claim 4, further comprising three-way valves between the pump and the mold for controlling the flow of the liquid.

Claim 9 (previously presented): The apparatus of claim 8, wherein the liquid is water.

Claim 10 (previously presented): The apparatus of claim 3, further comprising three-way valves between the pump and the mold for controlling the flow of the liquid.

Claim 11 (previously presented): The apparatus of claim 10, wherein the liquid is water.

Claim 12 (previously presented): The apparatus of claim 3, wherein the motor driving the pump is one of a servomotor and a three-phase asynchronous motor.

Claim 13 (previously presented): The apparatus of claim 12, further comprising three-way valves between the pump and the mold for controlling the flow of the liquid.

Claim 14 (previously presented): The apparatus of claim 3, wherein the liquid is water.

Claims 15-28 (cancelled)

### ***Reasons for Allowance***

8. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach to suggest a liquid-assist injection molding apparatus wherein the

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device for introducing liquid to the interior of the molten plastic material is a constant delivery pump driven by a motor, the speed of rotation of the motor <sup>being</sup> ~~begin~~ variable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

*Joseph S Del Sole*

J.S.D.  
March 16, 2004

*[Signature]*  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1200

*3/22/04*